

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

21-CR-6137DGL

v.

EDDIE WILSON,

Defendant.

Defendant Eddie Wilson (“Wilson”) moves by counsel (the Federal Public Defender) for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). The motion is based on an amendment to the United States Sentencing Guidelines (U.S.S.G.) § 4A1.1(d), effective November 1, 2023, which results in a lower guideline range for the defendant.

Furthermore, the Sentencing Commission voted to apply the amendment retroactively, *see* U.S.S.G. § 1B1.10. The effective date though of the retroactivity amendment is February 1, 2024.

Defendant’s motion was filed on January 5, 2024 (Dkt. #72). The United States Probation Office filed a Supplemental Presentence Report on February 6, 2024 (Dkt. #75). The Government filed its Opposition to the motion on February 16, 2024 (Dkt. #76) and the defendant filed a Reply to the Government’s Opposition on April 1, 2024 (Dkt. #79).

The statute and caselaw directs that the Court must first determine whether a defendant is eligible for a sentence modification. Then the Court must determine the guideline range that would have been applicable had the relevant amendment been in effect. Generally, U.S.S.G.

§ 1B1.10(b)(2) limits the extent of the reduction and the Court may not reduce the term to less than the minimum of the amended guideline range. The other important requirement is that the Court must consider any applicable sentencing factor under 18 U.S.C. § 3553(a) and determine whether, in its discretion, the reduction is warranted on the particular circumstances of the case.

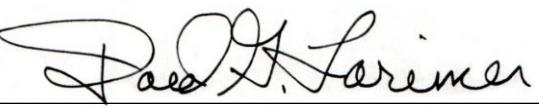
I am familiar with this defendant, his conviction, and prior sentence. I have reviewed all of the matters submitted and carefully considered the sentencing factors under 18 U.S.C. § 3553(a). I hereby GRANT defendant's motion for a sentence reduction.

The parties agree that defendant is eligible for a reduction and his new Guideline range would be 130-147 months. His original sentence was at the low end of the then-range, 138 months. Defendant has taken advantage of opportunities for self-improvement while incarcerated. His original offense was serious and had serious consequences. But, this modest reduction to an aggregate term of 130 months, 70 months on Count 5 and 60 months on Court 8, consecutive, is appropriate. The Probation Office is directed to prepare an Amended Judgment & Commitment accordingly.

CONCLUSION

Defendant Eddie Wilson's motion for a reduction of sentence (Dkt. #72) is hereby GRANTED, as set forth above, and reduced to an aggregate 130-month sentence. All other conditions of the original sentence remain.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 18, 2024.